

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Abi Roy Dubitzky a/k/a Roy Miller,

Plaintiff,

v.

Google LLC,

Defendant.

Civil Action No.: _____

Removed From:

The County Court of the 11th Judicial Circuit
in and for Miami-Dade County, Florida.

Case No.: 2023-004405-SP-25

NOTICE OF REMOVAL

Defendant Google LLC (“Google”) hereby removes this action from the Miami-Dade County Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, to the United States District Court for the Southern District of Florida. *See* 28 U.S.C. §§ 1331, 1441(a), and 1446. The grounds for removal are as follows:

1. On January 23, 2023, Plaintiff Abi Roy Dubitzky a/k/a Roy Miller (“***Plaintiff***”) filed an action for declaratory judgment and monetary relief against Google for purported alleged violations of the United States Copyright Act of 1976 (“***1976 Copyright Act***”) and the Digital Millennium Copyright Act of 1998 (“***DMCA***”), as codified in Title 17 of the United States Code (collectively, the “***U.S. Copyright Act***”).

2. Plaintiff’s action was filed in the County Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, and is currently pending as Case No. 2023-004405-SP-25 (the “***State Court Action***”).

3. On January 25, 2023, Google's registered agent was served with a copy of the Summons and Complaint. (*See* Aff. of Service.)

4. The allegations set forth in the Complaint render this a civil action arising under the Constitution, laws or treaties of the United States, specifically the U.S. Copyright Act. (*See* Compl.)

5. Federal courts have original and exclusive jurisdiction over claims arising under the U.S. Copyright Act pursuant to 28 U.S.C. § 1338(a), which provides in relevant part:

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to ... copyrights Such jurisdiction shall be exclusive of the courts of the states in ... copyright cases.

“An action ‘arises under’ the Copyright Act if and only if the complaint is for a remedy expressly granted by the Act, e.g., a suit for infringement ..., or asserts a claim requiring construction of the Act ..., or at the very least and perhaps more doubtfully, presents a case where a distinctive policy of the Act requires that federal principles control the disposition of the claim.” *Sullivan v. Naturalis, Inc.*, 5 F.3d 1410, 1412 (11th Cir. 1993), *quoting T.B. Harms Co. v. Eliscu*, 339 F.2d 823, 828 (2d Cir. 1964). *Accord MCA Television Ltd. v. Public Interest Corp.*, 171 F.3d 1265, 1269-70 (11th Cir. 1999).

6. In addition, the U.S. Copyright Act pre-empts all state law claims that are equivalent to the exclusive rights granted under the Act, specifically:

On and after January 1, 1978, all legal or equitable rights that are equivalent to any of the exclusive rights within the general scope of copyright as specified by section 106 in works of authorship that are fixed in a tangible medium of expression and come within the subject matter of copyright as specified by sections 102 and 103 ... are governed exclusively by this title. Thereafter, no person is entitled to any such right or equivalent right in any such work under the common law or statutes of any State.

17 U.S.C. § 301(a).

7. As to the Complaint's specific claims, Plaintiff alleges he owns registered copyrights in certain photographs and videos, alleges that Google disputes such ownership, and seeks a declaratory ruling that he holds valid copyrights. (Compl. at ¶¶ 2-5, 9-11.) The Complaint further alleges that Google refused to honor Plaintiff's DMCA takedown notices for at least three URL's (which allegedly house copyrighted material), and in one instance Google informed Plaintiff that it would not honor the takedown notice because the subject URL appeared to be making a "fair use" of the asserted work, and therefore there was no copyright infringement pursuant to 17 U.S.C. § 107. (Compl. at ¶¶ 5-8.) Plaintiff also challenges Google's compliance with the requirements of the DMCA as a "service provider", as defined by 17 U.S.C. § 512(k)(1), and seeks a declaratory ruling that Google cannot consider the fair use of copyrighted works when responding to takedown notices and counter notices under 17 U.S.C. §§ 512(c) & 512(g). (Compl. ¶¶ 8, 12.) Plaintiff also seeks a monetary award against Google. (Compl. ¶ 10.)

8. Viewed singularly or in totality, the Complaint seeks to hold Google liable for alleged infringement of U.S. registered copyrights, seeks injunctive relief requiring Google to comply with Plaintiff's DMCA takedown demands and monetary damages for alleged infringements, and bases such relief entirely upon the U.S. Copyright Act. As the Complaint's claims require construction of the U.S. Copyright Act, seek remedies under the Act and involve a distinctive policy of the Act (i.e., what "service providers" can or cannot consider in connection with DMCA takedown notices), the State Court Action is subject to removal. *See generally Sullivan*, 5 F.3d at 1412; *MCA Television Ltd.*, 171 F.3d at 1269-70.

9. Alternatively, to the extent Plaintiff is attempting to invoke state law for any of his purported claims or requests for relief, his claims are pre-empted by the U.S. Copyright Act.

10. Accordingly, the Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §§ 1331 and 1338(a), and the action may be removed to this Court by Google pursuant to 28 U.S.C. § 1441(c).

11. This Notice of Removal is timely because it is filed within thirty (30) days after Google was served with the Summons and Complaint. *See* 28 U.S.C. § 1446 (b).

12. Google has not filed a responsive pleading or pretrial motion in the State Court Action, which is currently subject to the Florida Small Claims Rules, and pursuant to Florida Small Claims Rule 7.090(c), would not come due until the State Court's pretrial conference that was scheduled for March 3, 2022.

13. Google's deadline to respond to the Complaint in this Court shall run for seven (7) days from the removal of this action, through and including March 3, 2023. *See* Fed. R. Civ. P. 81(c)(2)(C).

14. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Southern District of Florida, Miami Division is the proper venue for this action. The State Court Action was filed in the Miami-Dade County Court – the forum in which the removed action was pending.

15. The undersigned counsel attaches all process, pleadings, and orders served upon Defendants in the state court action, along with a current copy of the state court action docket, as **Composite Exhibit A**, in accordance with 28 U.S.C. § 1446(a).

16. Pursuant to 28 U.S.C. § 1446 (d), the undersigned counsel certifies that a copy of this Notice of Removal will be served promptly upon Plaintiff and filed with the Clerk of the Circuit Court of Miami-Dade County, Florida.

17. In filing this Notice of Removal, Google does not waive any defenses or counterclaims that may be available to it.

WHEREFORE, Defendant Google LLC hereby gives notice that the above-referenced action pending in the Miami-Dade County Court has been removed from there to this Court.

Respectfully submitted this 24th day of February, 2023.

/s/ Ezequiel J. Romero

Ezequiel J. Romero, Esq.

Florida Bar No. 107216

BRYAN CAVE LEIGHTON PAISNER, LLP

200 South Biscayne Blvd., Ste 400

Miami, FL 33131

Tel: (786) 322-7500

Email: ezequiel.romero@bclplaw.com

Damon J. Whitaker, Esq.

Florida Bar No. 0923591

Kevin Arocha, Esq.

Florida Bar No. 1019330

BRYAN CAVE LEIGHTON PAISNER LLP

1201 W. Peachtree St. NW,

One Atlantic Center, 14th Floor

Atlanta, GA 30309

Tel: (404) 572-6600

Email: damon.whitaker@bclplaw.com

Email: kevin.arocha@bclplaw.com

Attorneys for Google LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 24, 2023, a true and correct copy of the foregoing Notice of Removal was served on Plaintiff Abi Roy Dubitzky a/k/a Roy Miller via U.S. Mail at 6220 S.W. 84th Street Miami, Florida 33143, and by email at roy@millernt.com.

/s/ Ezequiel J. Romero
Ezequiel J. Romero, Esq.

#606381455_1

COMPOSITE EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Abi Roy Dubitzky a/k/a Roy Miller,
Plaintiff,

v.

Google LLC,
Defendant.

Civil Action No.: _____

Removed From:

The County Court of the 11th Judicial Circuit
in and for Miami-Dade County, Florida.

Case No.: 2023-004405-SP-25

Index of Composite Exhibit A

1. State Court Docket Sheet
2. State Court Civil Cover Sheet
(filed January 23, 2023)
3. State Court Complaint for Declaratory Judgment and Monetary Relief, with exhibits
(filed January 23, 2023)
4. State Court Summons
(issued January 25, 2023)
5. State Court Affidavit of Service, with exhibits
(filed February 11, 2023)

EXHIBIT 1



MIAMI-DADE COUNTY CLERK OF THE COURTS

LUIS G. MONTALDO, CLERK AD INTERIM

[Contact Us](#)
[My Account](#)


CIVIL, FAMILY AND PROBATE COURTS ONLINE SYSTEM

[← BACK](#)

MILLER R ROY VS GOOGLE LLC

Local Case Number: 2023-004405-SP-25

Filing Date: 01/23/2023

State Case Number: 132023SC004405000025

Judicial Section: CG01

Consolidated Case No.: N/A

Case Type: SP Other Negligence (Up to \$5,000)

Case Status: OPEN

Related Cases

Total Of Related Cases: 0

Case Number

Filing Date

Case Type

Parties

Total Of Parties: 2

Party Description

Party Name

Attorney Information

Other Attorney(S)

Plaintiff

Roy, Miller R

Defendant

Google LLC

Hearing Details

Total Of Hearings: 1

Hearing Date

Hearing Time

Hearing Code

Description

Hearing Location

03/03/2023

9:30AM

SPPTC

Small Claims Pre-Trial Conference

Coral Gables Courtroom 01-3 3100 Ponce de Leon

Dockets

Total Of Dockets: 9

Number

Date

Book/Page

Docket Entry

Event
Type

Comments

03/03/2023

Small Claims
Pre-Trial
Conference

Hearing



7

02/11/2023

Service
Returned

Event

6

01/26/2023

Receipt:

Event




**RECEIPT#:3090259 AMT PAID:\$80.00 COMMENT: ALLOCATION CODE
QUANTITY UNIT AMOUNT 2100-COUNTY FILING FEE 1 \$80.00 \$80.00
TENDER TYPE:EFILINGS TENDER AMT:\$80.00 RECEIPT
DATE:01/26/2023 REGISTER#:309 CASHIER:EFILINGUSER**

5

01/25/2023

SP Pretrial Date

Event

Number	Date	Book/Page	Docket Entry	Event Type	Comments
4	01/25/2023		Receipt:	Event	RECEIPT#:2570004 AMT PAID:\$16.00 COMMENT: ALLOCATION CODE QUANTITY UNIT AMOUNT 2139-SUMMONS ISSUE FEE 1 \$10.00 \$10.00 2120-COPY 6 \$1.00 \$6.00 TENDER TYPE:MASTER CARD TENDER AMT:\$16.00 RECEIPT DATE:01/25/2023 REGISTER#:257 CASHIER:CTUNDRE
	01/25/2023		SP Pre Trial Summons Issued	Service	
 3	01/25/2023		Pre Trial Summons	Event	CASE NUMBER 2023 4405 SP 25. Parties: Google LLC
 2	01/23/2023		Statement of Claim	Event	500
 1	01/23/2023		Civil Cover Sheet - Claim Amount	Event	

[<< BACK](#)
Please be advised:

The Clerk's Office makes every effort to ensure the accuracy of the following information; however it makes no warranties or representations whatsoever regarding the completeness, accuracy, or timeliness of such information and data. Information on this website has been posted with the intent that it be readily available for personal and public non-commercial (educational) use and to provide the public with direct online access to information in the Miami-Dade Clerk's Office information systems. Other than making limited copies of this website's content, you may not reproduce, retransmit, redistribute, upload or post any part of this website, including the contents thereof, in any form or by any means, or store it in any information storage and retrieval system, without prior written permission from the Miami-Dade Clerk's Office.

If you are interested in obtaining permission to reproduce, retransmit or store any part of this website beyond that which you may use for personal use, as defined above, visit our [Web API Services](#). You can review the complete [Miami-Dade County Disclaimer](#)

General

[Online Case Home](#)
[Civil / Family Courts Information](#)
[Login](#)

Help and Support

[Clerk's Home](#)
[Privacy Statement](#)
[ADA Notice](#)
[Disclaimer](#)
[Contact Us](#)
[About Us](#)


Luis G. Montaldo
Clerk Ad Interim

Miami-Dade County
Clerk of the Courts

73 W. Hagler Street
Miami, Florida 33130

305-275-1155

©2023 Clerk of the Courts. All rights reserved.



EXHIBIT 2

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Miller R Roy
Plaintiff

Case # _____
Judge _____

vs.

Google LLC
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☒ \$8,000 or less
☐ \$8,001 - \$30,000
☐ \$30,001- \$50,000
☐ \$50,001- \$75,000
☐ \$75,001 - \$100,000
☐ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence—other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability—commercial
 - ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☐ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☐ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☒ Small Claims up to \$8,000
- ☐ Civil
- ☐ Real property/Mortgage foreclosure

- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

IV. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
- ☒ Nonmonetary declaratory or injunctive relief;
- ☐ Punitive

V. NUMBER OF CAUSES OF ACTION: []
(Specify)

2

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ yes
- ☒ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no
- ☐ yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☐ yes
- ☒ no

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

- ☐ yes
- ☒ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ yossef a miller
Attorney or party

Fla. Bar #
(Bar # if attorney)

yossef a miller
(type or print name)

01/23/2023
Date

EXHIBIT 3

IN THE COUNTY COURT IN AND FOR MIAMI DADE COUNTY, FLORIDA

CASE NO. _____

Abi Roy Dubitzky
aka Roy Miller
Plaintiff,

vs.

Google LLC
Corporation Service Company
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

COMPLAINT FOR DECLARATORY JUDGMENT and MONETARY RELIEF

Plaintiff, Roy Miller sues Defendant, Google LLC, and alleges:

1. This is an action for ownership of Intellectual Property owned by the Plaintiff in Miami Dade County, Florida and for Monetary Relief.
2. The description of the property is the registered copyrights of photos and videos listed in the United States Copyright office under registration numbers Vau 001193056
3. Plaintiff submits the following as proof of ownership registration certificates from the United States Copyright Office. (Exhibit A and B)
4. Plaintiff is the owner of this Intellectual property because he has registered it in the copyright office in 2015 and this is undisputedly his property.
5. Unfortunately, the Defendant, from time to time disputes these claims when the Plaintiff files DMCA take down requests, requesting for his work to be removed from the Google Search engines to not display his copyrighted Works.

6. The Defendant replies to the Plaintiff request with the following text:

(Exhibit C)

Hello,

Thanks for reaching out to us.

Thanks for your reply. We've decided not to take action on this content.

We're still worried that your copyright notification isn't valid for these URLs that you included in your notification:

<https://avi-dubitzky.info/%D7%90%D7%91%D7%99-%D7%93%D7%95%D7%91%D7%99%D7%A6%D7%A7%D7%99-avi-dubitzky/>

<https://avi-dubitzky.info/wp-content/uploads/sites/8/2018/10/small-katin-1.jpeg>

You could ask the site's webmaster to deal with this directly. Take a look at the Google Search Help pages to learn [how to contact a site's webmaster](#). If the content gets removed, we'll update our search results automatically the next time we crawl the site. If the content has changed and you need us to update search results faster, you can submit a new request using our [webpage removal request tool](#).

Regards,

The Google Team

For more information about our content removal process access g.co/legal.

6. The Plaintiff, upon receiving the above-mentioned response sends the Defendant the Copyright certificate and the registration number, however the Defendant never replies. The Plaintiff can only assume why The Defendant arbitrarily is "worried" that the copyright claim is not valid, despite all sure records being public and in the past remove the exact same photos after being contact by a law firm. (See attached communication with the Defendant Exhibit D)

7. The Plaintiff has contacted the Defendant on numerous occasions, including sending the CFO a letter to a publicly listed address but has not received a reply. Additionally, The Plaintiff has sent mails to removals@google.com dmca-agent@google.com google-legal-support@google.com replying to these automated responses and request to take actions which are unavailable to him due to the nature of the infringements he is requesting to remove but to no avail.

8. The Plaintiff requests that a declaratory Judgment be issue against the Defendant, that it can not decide what is 'fair use' when an individual files a DMCA copyright notice. The Defendant from time-to-time acts as Judge and Jury and notifies the Plaintiff the following:

URL not infringing – the URL in question appears to be making fair use of the content. Fair use is not an infringement. To find out more about fair use, visit [this page](#). (See attached Exhibit E)

Fair use is a claim made by the party publishing the copyrights works. The Defendant never notified me that it is requesting to use my Copyrighted Property on Its web sites according to this doctrine or notified me that it is in sense filling a counter claim in its own behalf.

The Plaintiff would like to note that the Intellectual Property in question that is being presented on the Google searches has already been declared by Judge Diana Gonzales-Whyte to be extremely egregious and are likely to cause irreparable harm to the Plaintiff. There is no support of truth for any of the allegations it based on nothing but hearsay and at least in regard to how the defendant represents the rulings in the courts of Miami-Dade Florida to date they are clear lies. Attached is the order from case 2019-007732-sp-05. (See attached Exhibit F)

9. The Plaintiff requests this courts intervention due to the refusal of the Defendant to recognize that he is the owner of said intellectual property.

10. The Plaintiff request to be awarded \$200 for the time and money spent sending letters and E mails requesting that the Defendant recognize that he is the owner of said Property plus court expenses.

11. The Plaintiff requests that the court Declare that The Plaintiff holds a valid copyright as presented in Exhibits A and B.


12. The Plaintiff requests that the court declare that The Defendant can not decide for a third party if there is fair use of his work and that the person making such a claim should be the person that is the owner of the web sites publishing the Photos which are indexed by Defendant.

WHEREFORE, Plaintiff demands judgment as requested.



Plaintiff's Signature

SWORN TO AND SUBSCRIBED before me this 22 day of January, 2023.

Notary Public/Hayden F Lowrey
 Comm. #HH199785
Expires: November 17, 2025
Bonded Thru Nuckleberry Notary

1/23/23, 12:14 AM

<https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi>

Type of Work: Visual Material

Registration Number / Date:
VAu001193056 / 2015-01-08

Application Title: "SURPRISE PARTY".

Title: "SURPRISE PARTY".

Description: Electronic file (eService)

Copyright Claimant:
ABI DUBITZKY, 1969- .

Date of Creation: 2012

Authorship on Application:
ABI DUBITZKY, 1969- ; Citizenship: United States.
Authorship: photograph(s)

Names: DUBITZKY, ABI, 1969-

=====

1/23/23, 12:15 AM

<https://cocatalog.loc.gov/cgi-bin/Pwebrecon.cgi>

Type of Work: Motion Picture

Registration Number / Date:
PAu003798351 / 2016-06-01

Application Title: Videos of People being arrested in Israel.

Title: Videos of People being arrested in Israel.

Description: Electronic file (eService)

Copyright Claimant:
Avi Roy Dubitzky.

Date of Creation: 2014

Authorship on Application:
Abi Roy Dubitzky, 1969- ; Domicile: United States;
Citizenship: United States. Authorship: entire motion
picture.

Rights and Permissions:
Avi Roy Dubitzky, 2016 bay drive, miami, FL, 33141, United
States, (786) 327-4973, roy@millernt.com

Copyright Note: C.O. correspondence.
Basis for Registration: Unpublished Collection.

Names: Dubitzky, Abi Roy, 1969-
Dubitzky, Avi Roy

=====

C

Hello,

Thanks for reaching out to us.

Thanks for your reply. We've decided not to take action on this content.

We're still worried that your copyright notification isn't valid for these URLs that you included in your notification:

[-https://avi-dubitzky.info/avi-dubitzky-%D7%90%D7%91%D7%99-%D7%93%D7%95%D7%91%D7%99%D7%A6%D7%A7%D7%99/](https://avi-dubitzky.info/avi-dubitzky-%D7%90%D7%91%D7%99-%D7%93%D7%95%D7%91%D7%99%D7%A6%D7%A7%D7%99/)

<https://i0.wp.com/avi-dubitzky.info/wp-content/uploads/sites/8/2018/10/small-katin-1.jpeg?ssl=1>

You could ask the site's webmaster to deal with this directly. Take a look at the Google Search Help pages to learn [how to contact a site's webmaster](#). If the content gets removed, we'll update our search results automatically the next time we crawl the site. If the content has changed and you need us to update search results faster, you can submit a new request using our [webpage removal request tool](#).

Regards,

The Google Team

For more information about our content removal process access g.co/legal.



7999 N. Federal Highway, Suite 202
Boca Raton, FL 33487
(561) 953-9300 | Direct: (561) 953-9777
(800) 853-9692
Fax: (561) 953-3455
www.lomnitzerlaw.com

Email: SAK@Lomnitzerlaw.com
Direct: 561-953-9777

October 22, 2021

SENT VIA FEDEX

Google LLC c/o Custodian of Records 1600 Amphitheatre Parkway Mountain View, CA 94043	Corporation Service Company 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
--	--

Re: Your Request to Google: Numbers: [8-1016000031887], [3-1996000031037], [2-2170000031165], and [1-9879000031760]

Hello:

As you know from my prior correspondence, I represent Roy Miller, the owner of the copyrighted photographs in question, and those photographs (by written assignment) are Mr. Miller's original and copyrighted works. I submitted the following DMCA notices on his behalf: 8-1016000031887, 1-9879000031760, 2-2170000031165, 1-5190000031870, 3-1996000031037, and 7-2624000031721. However, just for clarification I only received notice of counter notices for [8-1016000031887], [3-1996000031037], [2-2170000031165], and [1-9879000031760].

PLEASE TAKE NOTICE the counter notices you received, and forwarded to me, were submitted by an imposter. The information in the counter notices you received is false and forged and should not be used to reinstate the material.

As you know from our prior correspondence, the photographs at issue were originally taken by NOAM Photography, owned by the individual Noam Gilboa. Mr. Gilboa, by and on behalf of Noam Photography, assigned ownership and copyrights in the photographs to my client who was then legally known as Avi (or Abi) Roy Dubitzky. Mr. Dubitzky used his properly obtained assignment from Noam Photography to register the photographs for copyright protection in the United States. Mr. Dubitzky legally changed his name to Roy Miller, and we completed an assignment of the same copyrights from his old name to his new name just to close the loop on any questions about ownership. True copies of all the documents referenced in this paragraph are attached here as Composite Exhibit A, and were also previously submitted to you with our prior correspondence.

The counter notices you sent us regarding our DMCA notices claim they were submitted by Noam Gilboa for NOAM Photography. However, whomever actually submitted the counter

notices is an imposter pretending to be Noam Gilboa. The real Noam Gilboa has provided me the attached letter (Composite Exhibit B) explaining that he did not send you the counter notices, that he previously assigned all the photographs at issue to my client, and that the counter notices you received are fake and the contact information alleged to be for him is also fake. Mr. Gilboa has provided his correct contact information and copies of his photo id and passport. You can feel free to reach out to Mr. Gilboa at the contact information listed in the letter we attach here. I can also provide Google Legal unredacted copies of the passport and ID if you can forward me the name and contact email for an individual attorney with Google Legal. I have only attached the redacted copies here since we are already dealing with someone pretending to be Mr. Gilboa and I do not want the imposter to have access to Mr. Gilboa's unredacted identifying documents.

As you can see, Mr. Miller has no good faith legal basis to file a lawsuit against Mr. Gilboa regarding the DMCA notices because Mr. Gilboa did not actually send the counter notices, and he confirms the ownership and copyrights in the photos have not been his since they were assigned to Mr. Miller in 202. If there is additional information Mr. Gilboa or Mr. Miller can provide Google to satisfy Google that the counter notices are fakes/forgeries please let me know. If not, we request that you respond to confirm the material previously removed will remain down.

PLEASE BE ADVISED that Google has now been provided sufficient information and evidence to show the counter notices are a fake/forgery. If Google chooses to reinstate the material in question based on the fake counter notices my client reserves all rights to take any legal action available against Google for the improper reinstatement, and potentially for liability (direct, vicarious, or contributory) for libel and defamation as many of the photographs taken down were being used on the website in a defamatory way, and reproduced by Google in search results and images search results. This damaging and illegal use was the reason Mr. Miller retained my firm to submit DMCA notices to Google in the first instance, and is the reason it is so important that they material not be restored as a result of the continued bad acts of the faker/forgery/copyright infringer. If Google chooses to put the material back up we will consider that an intentional act by Google and I am authorized to proceed accordingly.

To be clear, Google's reinstatement of the material as a result of a fake/forged counter notice would be improper and my client has authorized me to act accordingly if Google reinstates the material. We are happy to work with Google to provide any additional proof that the counter notices were forgeries. Please reach out to me directly if Google would like to request some other specific evidence (a declaration or other additional document from Noam Gilboa, or Roy Miller, or other).

I repeat the following attestations:

TAKE NOTICE: I am the duly authorized representative of Mr. Roy Miller, the owner of exclusive publication and derivative use rights in the removed material. I have a good faith belief that the use of the images that appeared at the links previously taken down as a result of my initial DMCA notices were not authorized by Mr. Miller, the copyright owner, or any of his agents, nor by operation of law.

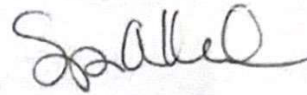
3

I swear, under penalty of perjury, that the information in this response to counter notice is accurate and that I am authorized to act on behalf of Mr. Miller, the owner of exclusive rights in the photographs which are being infringed.

I hereby demand that you reject the fake/forged counter notice, and leave the photos taken down pursuant to my prior DMCA notices.

This notice is intended solely for the purpose of informing you of our position and is neither intended as a settlement offer or compromise nor a complete statement of all the facts in this matter. Absent a satisfactory response to this response, Mr. Miller reserves the right to pursue all legal and equitable remedies he may be due from Google under the circumstances.

Regards,

A handwritten signature in black ink, appearing to read 'Spall', with a stylized flourish at the end.

Spensyr Ann Krebsbach

Attachments

google.com/webmasters/tools/legal-removal-dashboard/details?hl=en-GS&sig=U8vcomplaint_type=1&dmccand=2-7589000033210&pf=eyJ0YXJmZXRJZC16cm90Z2FyLX80W952YWh0.

Google

Copyright Removal

Date requested: 24 Dec 2022 08:45:59 (GMT-07:00)

Download URL, review details

Confirmation ID	Total URLs	Approved URLs	Rejected URLs	Pending URLs	Not in index URLs
2-7589000033210	1	0	1	0	0

Show 25 rows 1-1

Rejected URLs

URL	Details
https://avi-dubility.info/	This URL in question appears to be using the name of the company, but does not contain any information about the company. To find out more about the company, visit their page.

Filing # 111700605 E-Filed 08/12/2020 04:40:57 PM

F

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2019-007732-SP-05

SECTION: CC04

JUDGE: Diana Gonzalez-Whyte

ROY MILLER

Plaintiff(s) / Petitioner(s)

vs.

ELAD LAZMI et al

Defendant(s) / Respondent(s)

AMENDED DECLARATORY JUDGMENT

**ORDER GRANTING PLAINTIFF'S MOTION FOR AMENDED DECLARATORY
JUDGMENT**

Plaintiff appeared before the court after a second motion for Declaratory Judgment was requested to rule that Defendant was not adhering to a previous court order and continuing to post Defamatory statements against the Plaintiff. The defendant appeared before this court, and after hearing both parties and seeing the web sites in question, the court orders that the all that the below listed websites be removed and all libelous and defamatory content be removed. The court further finds that the websites allege uncharged crimes and are per se libel. Libel is defined as a published false statement that is damaging to a person's reputation; a written defamation. Lawnwood Medical Ctr. v. Sadow, 43 So.3d 710 (Fla. 4th DCA 2010).

<https://www.theadubi.ps>

<https://www.theadubi.ps/blog/tag/786-327-4973/>

<https://www.theadubi.ps/blog/tag/%D7%94%D7%90%D7%AA%D7%A8-%D7%A9%D7%9C-%D7%90%D7%91%D7%99-%D7%93%D7%95%D7%91%D7%99%D7%A6%D7%A7%D7%99/feed/>

<https://www.theadubi.ps/blog/tag/%D7%93%D7%95%D7%91%D7%99%D7%A6%D7%A7%D7%99-%D7%90%D7%91%D7%99/>

<https://www.avi-dubitzky.su/?cat=62>

<https://pedo.fail/?cat=76>

<https://www.pedozvalim.ga/?cat=62>

https://v.youku.com/v_show/id_XMzc1ODkxMTc4OA==.html?refer=seo_operation.liuxiao.liux_00003311_3000_QfMVj2_19042900

<https://t.me/s/adubipedo>

<https://www.youtube.com/watch?v=dbltMqBQgEo&t=1s>

<https://www.youtube.com/watch?v=nJ9Hih0V-MA>

The plaintiff was able to demonstrate to the court that the websites came out of the original website that were the subject of this lawsuit, that they are simply redirected to and/or linked to the original websites. The Court has previously ordered that the Defendant remove all defamatory content alleging uncharged crimes in the instant case. The court also clarifies that failure to do so may result in an order of contempt which may result in monetary sanctions and/or jail time. The defendant has admitted that he has no personal knowledge as to any of the information that he published in the website and that all of the information was supplied by a third person who did not supply him with any proof and who he simply believed.

The defendant is clearly retaliating against the plaintiff because the defendant was the subject of an expose against pedophiles where he was documented attempting to have inappropriate contact with a child. The defendant had the audacity to state what does it matter to the plaintiff if it is not his child. The children of the world should matter to all of us, children are growing, learning and need extra protection from predators because of their age and their vulnerability. Every child has the right to be protected from all kinds of violence. Unlawful sexual contact with a child is one of the most egregious, despicable, and traumatic forms of violence that can occur and it affects the person for the rest of their lives. That which impacts a child negatively and leaves a scar affects society as a whole.

The website's contents are extremely egregious and are likely to cause irreparable harm to the plaintiff. There is no support of truth for any of the allegations it based on nothing but hearsay and at least in regards to how the defendant represents the rulings in the courts of Miami-Dade Florida to date they are clear lies. **It is additionally ordered that the defendant has five days from today's date to remove the website and its contents. Failure to do so will result in an Order to Show Cause as to Why the Defendant should not be held in Contempt and Contempt Proceedings which can result in an Order for Arrest, Confinement in the County Jail for up to 6 months, Monetary Fines or Both.**

The court reserves jurisdiction to enforce this court order and all previous court orders entered in this case.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 12th day of August, 2020.

2019-007732-SP-05 08-12-2020 4:37 PM

2019-007732-SP-05 08-12-2020 4:37 PM

Hon. Diana Gonzalez-Whyte

COUNTY COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Elad Lazmi, eladlazmi@mail.ru

Roy Miller, roy@millernt.com

Roy Miller, roy@millernt.com

Roy Miller, roy@millernt.com

Physically Served:

EXHIBIT 4

IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input type="checkbox"/> DISTRICT COURTS <input type="checkbox"/> OTHER	SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE DISTRICT COURT (File in Quadruplicate)	CASE NUMBER <div style="font-size: 1.2em; font-family: cursive;">2023/004105/SP-05</div>
PLAINTIFF(S) <div style="font-size: 1.2em; font-family: cursive;">Abi Ray (Abi Ray) Aka Ray Miller</div>	VS. DEFENDANT(S) <div style="font-size: 1.2em; font-family: cursive;">Google LLC</div>	CLOCK IN
DEFENDANT(S) TO BE SERVED AT: <div style="font-size: 1.2em; font-family: cursive;">Registered Agent Corporation Services Company 2710 Gateway Oaks Drive Suite 150N Sacramento California 95833</div>		
<p>STATE OF FLORIDA NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) YOU ARE HEREBY NOTIFIED to appear in person or by attorney at the location indicated below: "For those unable to pay for an attorney, information on how to seek free legal assistance can be found at www.dadecountyprobono.org."</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> HIALEAH DISTRICT COURT <input type="checkbox"/> JOSEPH CABLE CENTER COURT </div> <div> <input type="checkbox"/> NORTH DADE JUSTICE CENTER <input type="checkbox"/> MIAMI BEACH DISTRICT </div> <div> <input checked="" type="checkbox"/> CORAL GABLES DISTRICT COURT <input type="checkbox"/> SOUTH DADE JUSTICE CENTER </div> </div> <p style="text-align: center; font-size: 0.8em;">(Addresses for court locations are printed on the back of this form)</p> <p>on <u>MAR 03 2023</u> at <u>23 9:30 A</u> M., in courtroom <u>1-3</u> before a Judge of this Court. Section # <u>CG 01</u></p> <p style="text-align: center;">IMPORTANT - READ CAREFULLY</p> <p style="text-align: center;">THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME.</p> <p style="text-align: center;">DO NOT BRING WITNESS(ES). YOU MUST APPEAR IN PERSON OR BY ATTORNEY.</p> <p style="text-align: center;">WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING COSTS, ATTORNEY FEES, ENTRY OF JUDGMENT, DISMISSAL.</p> <p>The defendant(s) must appear in court on the date specified in order to avoid a default judgment. The plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or the defendant(s) shall not excuse the personal appearance of the parties or their attorney in the PRETRIAL CONFERENCE/MEDIATION. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.</p> <p>A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by any officer of the corporation. Written authorization must be brought to the Pretrial Conference/Mediation.</p> <p>The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.</p> <p style="text-align: center;">MEDIATION</p> <p>Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what the resolution should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.</p>		

mediation, decision making rests with the parties. Negotiations in court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law.

If you admit to the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may approve a payment plan and may withhold judgment or executions or levy.

RIGHT TO VENUE. THE LAW GIVES THE PERSON OR COMPANY WHO HAS SUED YOU THE RIGHT TO FILE IN ANY ONE OF SEVERAL PLACES AS LISTED BELOW. HOWEVER, IF YOU HAVE BEEN SUED IN ANY PLACE OTHER THAN ONE OF THESE PLACES, YOU, AS THE DEFENDANT(S), HAVE THE RIGHT TO REQUEST THAT THE CASE BE MOVED TO A PROPER LOCATION OR VENUE. A PROPER LOCATION OR VENUE MAY BE ONE OF THE FOLLOWING:

1. WHERE THE CONTRACT WAS ENTERED INTO;
2. IF THE SUIT IS ON UNSECURED PROMISSORY NOTE, WHERE THE NOTE WAS SIGNED OR WHERE THE MAKER RESIDES
3. IF THE SUIT IS TO RECOVER PROPERTY OR TO FORECLOSE A LEIN, WHERE THE PROPERTY IS LOCATED;
4. WHERE THE EVENT GIVING RISE TO THE SUIT OCCURRED;
5. WHERE ANY ONE OR MORE OF THE DEFENDANTS SUED RESIDE;
6. ANY LOCATION AGREED TO IN A CONTRACT.
7. IN ANY ACTION FOR MONEY DUE, IF THERE IS NO AGREEMENT AS TO WHERE SUIT MAY BE FILED, WHERE PAYMENT IS TO BE MADE.

If you, as the defendant(s) believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on our court date and orally request a transfer or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff(s)' attorney, if any

A COPY OF THE STATEMENT OF CLAIM SHALL BE SERVED WITH THIS SUMMONS

MIAMI-DADE COUNTY DISTRICT COURT FACILITIES

Hialeah District Court (21)
11 East 6th Street
Hialeah, FL 33010

North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
Miami, Florida 33160

Coral Gables District (25)
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134

Joseph Caleb Center Court (20)
Suite 103
5400 N.W. 22nd Avenue
Miami, Florida 33142

Miami Beach District (24)
Room 200
1130 Washington Avenue
Miami, Florida 33139

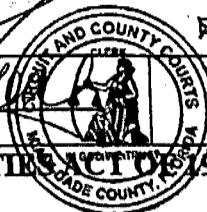
South Dade Justice Center (26)
Room 1200
10710 S.W. 211 Street
Cutler Ridge, Florida 33189

FILED BY: Quelcher Ara Dabney
ADDRESS: 6220 SW 84th St
Miami FL 33143
PHONE: 786 246 2072

COPY: ☐ MAILED ☒ HAND-DELIVERED
TO: ☐ PLAINTIFF ☐ ATTORNEY
SERVED BY: ☐ MAIL ☐ SHERIFF
☒ PROCESS SERVER

LUIS G. MONTALDO
CLERK AD INTERIM

BY: Charmaine Tondre
DEPUTY CLERK



DATE
JAN 25 2023

**AMERICANS WITH DISABILITIES ACT OF 1990
ADA NOTICE**

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."

EXHIBIT 5

IN THE COUNTY COURT IN AND FOR MIAMI DADE COUNTY, FLORIDA

Abi Roy Dubitzky aka Roy Miller

Plaintiff(s) / Petitioner(s)

v.

Case No.: 2023-004405-sp-05

Google LLC

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE

I, Joshua Newman-Defazio, being duly sworn, state:

I am 18 years or older and not a party to this action.

I am a certified or appointed process server in the county in which this defendant or witness was served.

I received the following documents on January 25, 2023 at 11:20 am. I served these documents with my initials, identification number, and the date and hour of service endorsed thereon on Google LLC in Sacramento County, CA on January 25, 2023 at 12:40 pm at 2710 Gateway Oaks Dr, Suite 150(n), Sacramento, CA 33143 by leaving the following documents with Rebecca Vang who as Clerk at Corporation Service Company is authorized by appointment or by law to receive service of process for Google LLC.

Summons
Complaint

Additional Description:

LIMITED LIABILITY COMPANY SERVICE: I served and explained the contents to an employee of the registered agent company pursuant to F.S. 48.062(1)

Asian Female, est. age 26, glasses: Y, Black hair, 120 lbs to 140 lbs, 5' to 5' 3".

Geolocation of Serve: <http://maps.google.com/maps?q=38.6125793457,-121.48483854>

Photograph: See Exhibit 1



Signature

Joshua Newman-Defazio

2022-036

(916) 676-6499

441 Haggin Ave, C, Sacramento, CA 95833

Notarized online using audio-video communication

Amber Martinez
Electronic Notary Public
State of Colorado
Commission #: 20194038470
Commission Expires: 10/08/2023

Subscribed and sworn to before me this 31 day of January,
23, by Amber Jo Martinez.

Witness my hand and official seal.

My commission expires: 10/08/2023

Amber Jo Martinez

Notary Public

Exhibit 1



Exhibit 1a)

Exhibit 1b)

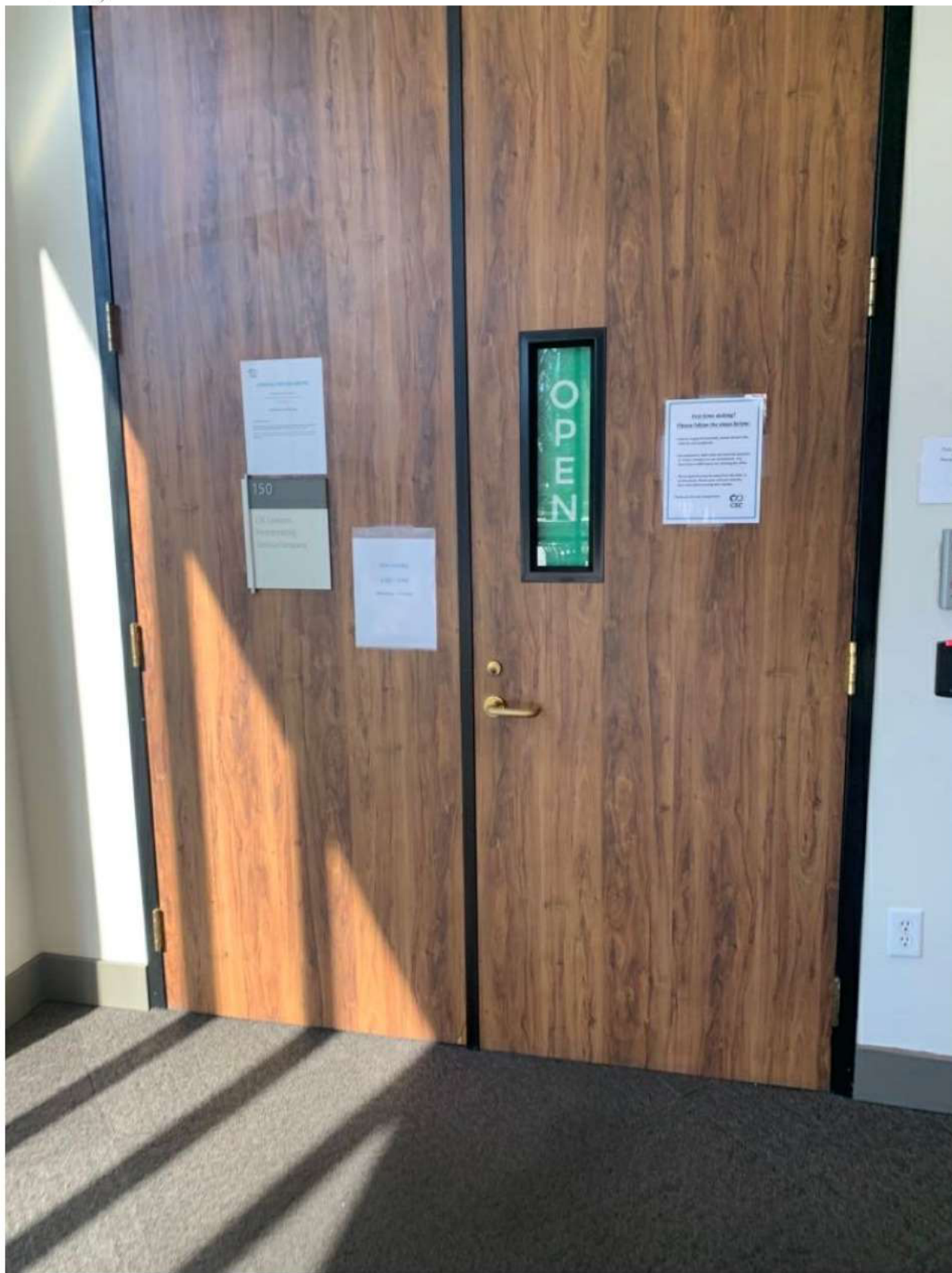




Exhibit 1c)

IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input type="checkbox"/> DISTRICT COURTS <input type="checkbox"/> OTHER	SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE DISTRICT COURT (File in Quadruplicate)	CASE NUMBER 2023/004405/sp-05
PLAINTIFF(S) Abi Ray (Whitely) Aka Ray Miller	VS. DEFENDANT(S) Google LLC	CLOCK IN
DEFENDANT(S) TO BE SERVED AT: Registered Agent Corporation Services Company 2710 Gateway Oaks Drive Suite 150N Sacramento California 95833		
STATE OF FLORIDA NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) YOU ARE HEREBY NOTIFIED to appear in person or by attorney at the location indicated below: "For those unable to pay for an attorney, information on how to seek free legal assistance can be found at www.dadecountyprobono.org."		
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> HIALEAH DISTRICT COURT <input type="checkbox"/> JOSEPH CALEB CENTER COURT </div> <div> <input type="checkbox"/> NORTH DADE JUSTICE CENTER <input type="checkbox"/> MIAMI BEACH DISTRICT </div> <div> <input checked="" type="checkbox"/> CORAL GABLES DISTRICT COURT <input type="checkbox"/> SOUTH DADE JUSTICE CENTER </div> </div> <p style="text-align: center; font-size: small;">(Addresses for court locations are printed on the back of this form)</p>		
on <u>MAR 03 2023</u> , 20 <u>23</u> , <u>9:30 A</u> M., in courtroom <u>1-3</u> before a Judge of this Court. Section # <u>CG 01</u>		
IMPORTANT - READ CAREFULLY		
THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME. DO NOT BRING WITNESS(ES). YOU MUST APPEAR IN PERSON OR BY ATTORNEY. WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING COSTS, ATTORNEY FEES, ENTRY OF JUDGMENT, DISMISSAL.		
<p>The defendant(s) must appear in court on the date specified in order to avoid a default judgment. The plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or the defendant(s) shall not excuse the personal appearance of the parties or their attorney in the PRETRIAL CONFERENCE/MEDIATION. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.</p> <p>A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by any officer of the corporation. Written authorization must be brought to the Pretrial Conference/Mediation.</p> <p>The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.</p>		
MEDIATION		
<p>Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what the resolution should be. It is an informal and nonaversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.</p>		

mediation, decision making rests with the parties. Negotiations in court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law.

If you admit to the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may approve a payment plan and may withhold judgment or executions or levy.

RIGHT TO VENUE. THE LAW GIVES THE PERSON OR COMPANY WHO HAS SUED YOU THE RIGHT TO FILE IN ANY ONE OF SEVERAL PLACES AS LISTED BELOW. HOWEVER, IF YOU HAVE BEEN SUED IN ANY PLACE OTHER THAN ONE OF THESE PLACES, YOU, AS THE DEFENDANT(S), HAVE THE RIGHT TO REQUEST THAT THE CASE BE MOVED TO A PROPER LOCATION OR VENUE. A PROPER LOCATION OR VENUE MAY BE ONE OF THE FOLLOWING:

1. WHERE THE CONTRACT WAS ENTERED INTO;
2. IF THE SUIT IS ON UNSECURED PROMISSORY NOTE, WHERE THE NOTE WAS SIGNED OR WHERE THE MAKER RESIDES
3. IF THE SUIT IS TO RECOVER PROPERTY OR TO FORECLOSE A LEIN, WHERE THE PROPERTY IS LOCATED;
4. WHERE THE EVENT GIVING RISE TO THE SUIT OCCURRED;
5. WHERE ANY ONE OR MORE OF THE DEFENDANTS SUED RESIDE;
6. ANY LOCATION AGREED TO IN A CONTRACT.
7. IN ANY ACTION FOR MONEY DUE, IF THERE IS NO AGREEMENT AS TO WHERE SUIT MAY BE FILED, WHERE PAYMENT IS TO BE MADE.

If you, as the defendant(s) believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on our court date and orally request a transfer or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff(s)' attorney, if any

A COPY OF THE STATEMENT OF CLAIM SHALL BE SERVED WITH THIS SUMMONS

MIAMI-DADE COUNTY DISTRICT COURT FACILITIES

Hialeah District Court (21)
11 East 6th Street
Hialeah, FL 33010

North Dade Justice Center (23)
Room 100
15555 Biscayne Blvd.
Miami, Florida 33160

Coral Gables District (25)
3100 Ponce De Leon Blvd.
Coral Gables, Florida 33134

Joseph Caleb Center Court (20)
Suite 103
5400 N.W. 22nd Avenue
Miami, Florida 33142

Miami Beach District (24)
Room 200
1130 Washington Avenue
Miami, Florida 33139

South Dade Justice Center (26)
Room 1200
10710 S.W. 211 Street
Cutler Ridge, Florida 33189

FILED BY: Agustina Arca
ADDRESS: 6220 SW 84th St
Miami, FL 33143
PHONE: 786 246 2072

COPY: ☐ MAILED ☒ HAND-DELIVERED
TO: ☐ PLAINTIFF ☐ ATTORNEY
SERVED BY: ☐ MAIL ☐ SHERIFF
☒ PROCESS SERVER

LUIS G. MONTALDO
CLERK AD INTERIM

BY: Charmaine Tondrea

DEPUTY CLERK

DATE

JAN 25 2023

**AMERICANS WITH DISABILITIES ACT OF 1990
ADA NOTICE**

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alian Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS **DEFENDANTS**
Abi Roy Dubitzky a/k/a Roy Miller Google, LLC

(b) County of Residence of First Listed Plaintiff **Miami-Dade County, Florida** County of Residence of First Listed Defendant
(EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number) Attorneys (If Known)
Pro Se Plaintiff Ezequiel J. Romero, Esq. & Damon Whitaker, Esq. of Bryan Cave I

(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE ☐ HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) **III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> Citizen of This State	<input type="checkbox"/> 1 PTF	<input type="checkbox"/> 1 DEF	<input type="checkbox"/> 4 PTF	<input type="checkbox"/> 4 DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<input type="checkbox"/> Citizen of Another State	<input type="checkbox"/> 2 PTF	<input type="checkbox"/> 2 DEF	<input type="checkbox"/> 5 PTF	<input type="checkbox"/> 5 DEF
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 PTF	<input type="checkbox"/> 3 DEF	<input type="checkbox"/> 6 PTF	<input type="checkbox"/> 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Acts <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)
☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Re-filed (See VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation Transfer ☐ 7 Appeal to District Judge from Magistrate Judgment ☐ 8 Multidistrict Litigation - Direct File ☐ 9 Remanded from Appellate Court

VI. RELATED/RE-FILED CASE(S) (See instructions): a) Re-filed Case ☐ YES ☐ NO b) Related Cases ☐ YES ☐ NO
JUDGE: **DOCKET NUMBER:**

VII. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
Copyright Infringement and Declaratory Relief
LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$200.00** CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
DATE SIGNATURE OF ATTORNEY OF RECORD

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked. Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Refiled (3) Attach copy of Order for Dismissal of Previous case. Also complete VI.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

Remanded from Appellate Court. (8) Check this box if remanded from Appellate Court.

VI. Related/Refiled Cases. This section of the JS 44 is used to reference related pending cases or re-filed cases. Insert the docket numbers and the corresponding judges name for such cases.

VII. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.